

Remarks

The above Amendments and these Remarks are in REPLY to the Office Action mailed September 28, 2010 and to a Notice of Non-Compliant Amendment mailed April 19, 2011. Applicants thank the Examiner for processing this application in a timely manner. These Remarks include all of those presented in the prior REPLY, and will explain the correction of typographical errors the claims.

Amendments to the Claims

Applicants have amended independent Claims 1, 19, and 20, to include the limitation that the methods detect the combination of three markers, "CST1, SERPINH1 and INHBA."

Dependent claims have been amended to comport with the amendment to the independent Claims, Claims 2 and 21 is amended to remove the markers SERPINH1 and INHBA from the list of "at least one additional GTM family member." Claims 28-29 have been amended to delete SERPINH1, and Claim 30 has been amended to delete INHBA.

New Claims

Applicants have added new Claims 31 and 32, drawn to an aspect of the invention not previously claimed. Support for this claim can be found at least at page 79, fourth paragraph and Figure 14. This disclosure demonstrates that CST1 obtained from patients having gastric cancer have higher molecular weights than CST1 obtained from subjects not having gastric cancer. Claim 31 includes the limitation that "cystatin SN ("CST1") protein having molecular weight higher than that found in subjects not having gastric cancer." Claim 32 depends from Claim 31 and provides the specific limitation that "where said molecular weight of said CST1 in said patient is about 35 kD, about 45 kD, or about 65 kD."

Claim Rejections Under 35 U.S.C. §102

Claims 1, 2, 8-12, 19-21, 25-27, and 30 stand rejected under 35 U.S.C. §102(e) as anticipated by US 2004/0232350 ("Afar").

Applicants have amended the independent claims (Claims 1, 19, and 20) to include detection of the combination of CST1, SERPINH1 and INHBA. Support for this amendment can be found at least on page 78, second full paragraph, and Figure 12 of the application as filed. The disclosures cited demonstrate that using the combination of three markers, complete separation of patients having gastric cancer from control subjects can be obtained.

Applicants can find no disclosure in Afar that recites this specific combination of CST1, SERPINH1 and INHBA being used to detect gastric cancer, and that therefore, Applicants believe that Afar cannot anticipate Claim 1 as amended.

Regarding new Claims 31 and 32, Applicants submit that Afar did not disclose variants of CST1 having the limitation that "CST1 protein having a molecular weight higher than that found in subjects not having gastric cancer." Similarly, Applicants submit that Afar did not disclose the limitation in Claim 32 that "CST1 in said patient is about 35 kD, about 45 kD, or about 65 kD."

Applicants respectfully request reconsideration of the rejections and allowance of the claims.

Claim Rejections Under 35 U.S.C. §103

Claims 1, 2, 8-12, 19-21 and 25-30 stand rejected under 35 U.S.C. §103(a) as obvious over Afar, in view of Mack *et al.*, US 2004/0076955 ("Mack") and Clarke *et al.*, US 2006/0019256 ("Clarke").

Applicants respectfully submit that the combination of Afar, Mack and Clarke do not teach using a specific combination of CST1, SERPINH1 and INHBA to detect gastric cancer. Applicants respectfully request reconsideration of the rejection and allowance of the claims.

Notice of Non-Compliant Amendment

Applicants thank the Examiner for pointing out the typographical errors in the claims submitted with the prior REPLY. Applicants have removed the underlining from Claims 2 and 30, and have left the deletions in those claims. Both claims are "Currently amended." Applicants have now corrected Claims 2 and 30 as suggested, and believe that the claims are now in proper form.

Conclusions

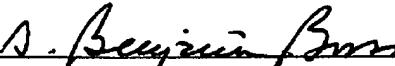
Applicants respectfully submit that the rejections under 35 U.S.C. §112 ¶2, and 35 U.S.C. §§102 and 103 are overcome. Applicants request the Examiner to reconsider the rejections and to allow the claims.

This REPLY is timely filed and no Petition for Extension of Time or fee is believed required. No fee for additional claims is believed required.

The Commissioner is authorized to deduct from or refund funds to Deposit Account 50-4089 for any fee related to this SUPPLEMENTAL REPLY.

The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

Respectfully submitted,

By: 
D. Benjamin Borson, Ph.D.
Reg. No. 42,349

Date: May 5, 2011

Customer No. 66936
Borson Law Group PC
1078 Carol Lane, Suite 200
Lafayette, California 94549
Tel: (925) 310-2060